

The Seacoast Anti-Pollution League

Founded 1969

P.O. BOX 1136**PORTSMOUTH, NH 03802****603-431-5089****e-mail: sapl99@aol.com**

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October 3, 2001

Mr. Lake H. Barrett, Acting Director
Office of Civilian Radioactive Waste Management
Department of Energy
Washington, DC 20585

Re: National Waste Repository at Yucca Mountain

Dear Mr. Barrett:

I am the legal counsel for the Seacoast Anti-Pollution League, a citizens organization of approximately 400 members, based in Portsmouth, New Hampshire, which has for more than 30 years been an advocate for nuclear safety and a sustainable energy system. In addition, SAPL has been a full participant in many proceedings before the New Hampshire Nuclear Financing Committee, which is charged with assuring adequate funding for the safe and thorough decommissioning of the Seabrook nuclear plant.

On August 27th, you wrote to the Hon. Douglas Patch, formerly chairman of the New Hampshire Decommissioning Finance Committee and solicited comments on the proposed licensing of the Yucca Mountain site as the nation's sole repository for spent nuclear fuel from civilian reactors.

Although SAPL is not in a position to comment on all the areas that you suggested, it would like to provide general comments that respond to many of them. These comments are being sent after due consideration by and with the approval of the SAPL Board of Directors.

1. The Evaluation is Biased.

We believe the effort to license Yucca Mountain was compromised from the outset by the political decision to foreclose any consideration of alternative sites. This caused the Department to face an intractable dilemma: either find the Yucca site acceptable, or fail in its mission to provide, at taxpayer and ratepayer expense, a permanent waste repository. Clearly, the pressure to find the site acceptable will inevitably bias the assessment of the scientific inquiry.

2. The Risk of Spent Fuel Transportation must be assessed.

We believe Yucca suffers from an inherent problem unrelated to the issues of geology and seismology. The fact that it is in the far western United States, while by far the greatest volume of spent nuclear fuel, (about 75%) and other civilian nuclear waste, is in the eastern half of the country is at minimum, troubling. This means that utilization of Yucca requires massive amounts of transportation of deadly materials across much of the country. Much of this transport will have to pass through critical highly populated choke points, such as St. Louis. Thus, the risks of utilizing Yucca Mountain clearly extend beyond the issue of groundwater infiltration and seismic activity.

Needless to say, the concern about transportation incidents, which has also been very troublesome, is greatly increased by the disaster of September 11. As the NRC begins to consider additional steps to protect nuclear reactor sites, the concern about the widespread dispersal of nuclear waste, and especially spent fuel over the nation's highways and rail lines is something that must be evaluated.

3. Procedural Issues.

We understand that the DOE's Preliminary Site Suitability Evaluation was only released on August 21st, and that the Department has still not addressed thousands of comments on the Draft Environmental Impact Statement. Given this, the comment period seems woefully short; only 45 days. We understand there is great pressure to come to a final approval for this project, but the needs for a scientifically sound and procedurally fair and reasonable process must be paramount.

4. Groundwater and site concerns.

We understand that Yucca Mountain is in an active earthquake zone, and that there is evidence of volcanic activity. We also understand that the highly fractured and fissured rock allows rainwater infiltration at a rapid rate. In fact, we understand that the characteristics of the site are now less relied upon to protect the spent fuel from contact with the biosphere for thousands of years than the engineered containment measures. However, ground or surface water intrusion, which must be guarded against for geologic time periods, can and surely will compromise the integrity of storage containers.

5. The Appropriate Alternative: A Comprehensive Re-Evaluation

We believe that, instead of proceeding further with Yucca Mountain at this time, there should be a comprehensive re-evaluation of the nation's nuclear waste policy, starting with the present classification system and a thorough examination of all reasonable alternatives, including alternative to geologic disposal. Any reconsideration should include the issue of whether it is in the national interest to increase the size of the problem by authorizing the creation of more waste through license extensions or new reactor licensing.

The fact is that no nuclear plants have been ordered since 1973 that have actually been constructed, that none are either licensed for construction or under construction at this time, and that all nuclear plants presently have on site storage either through spent fuel pools or dry casks. Now is the time for a more comprehensive and deliberate examination of the problem of long term disposal of nuclear waste.

6. The Need for the Further Waste Repository

Finally, it is our understanding that, even if licensed and constructed, Yucca Mountain would need to be supplemented with facilities or systems for additional nuclear waste storage, even if efforts to extend the licenses for nuclear plants for an additional 20 years do not proceed. This need will of course be exacerbated should new nuclear plants be licensed for operation, as is being urged by some in the administration. It is our understanding that, in legislation proposed earlier this year, some funding for a second repository in the eastern part of the United States was contemplated. Any such proposal would of course be extremely controversial, as the last search for an eastern site (which focused on deep granite formations in central New Hampshire) demonstrated.

Conclusion.

All these issues compel the conclusion that it is time, indeed long past time, for a comprehensive review of the nation's nuclear waste policy instead of proceeding with the effort to license Yucca Mountain in the face of overwhelming opposition in the State of Nevada. Any such review should include consideration of whether the further production of nuclear waste through the use of fission to generate electricity is indeed consistent with the best long term interests of the citizens of this country. This especially in view of the obvious concerns about the security risks presented by the existence of 75 nuclear power reactor sites in the United States.

Thank you for considering these comments.

Seacoast Anti-Pollution League, by

Robert A. Backus

Robert A. Backus, Esq.

cc. Senators Gregg and Smith, Congressmen Bass and Sununu
 Hon. Douglas Patch, members of the NH Nuclear Decommissioning
 Finance Committee.
 NH Fire Marshal Donald Bliss
 Gov. Jeanne Shaheen
 Gov. Jane Swift